

UNITED STATES DISTRICT COURT
DISTRICT OF MASSACHUSETTS

PBS 13-4 P 12: 18

CIVIL ACTION NO.

DISTRICT COURT 4-11314 PBS
DISTRICT OF MASS

ST. PAUL TRAVELERS, as successor in
interest to ATLANTIN MUTUAL
INSURANCE CO. Marine Division, subrogee
of IBEX LLC, and IBEX, LLC,

Plaintiffs,

v.

FAIRHAVEN SHIPYARD, INC. and A.I.
MARINE ADJUSTERS, INC., a member of
AMERICAN INTERNATIONAL GROUP,
INC.

Defendant,

**MOTION OF THE DEFENDANT, A.I. MARINE ADJUSTERS, INC., TO
DISMISS THE PLAINTIFFS' CLAIMS AGAINST A.I. MARINE
ADJUSTERS, INC. OR, IN THE ALTERNATIVE, TO
SEVER AND STAY THE CLAIMS**

The defendant, A.I. Marine Adjusters, Inc. ("A.I. Marine"), respectfully moves this Court to dismiss, or in the alternative, sever and stay the claims against it in this action until the underlying claims against its insured, Fairhaven Shipyard, Inc. ("Fairhaven"), are resolved.

In support of its motion to dismiss or, in the alternative, sever and stay all proceedings against it, A.I. Marine submits the accompanying memorandum of law.

WHEREFORE, the defendant, A.I. Marine, respectfully requests that this Court dismiss or, in the alternative, sever and stay the claims asserted against it by the plaintiffs, St. Paul Travelers and IBEX, pending the resolution of the underlying claims against the co-defendant, Fairhaven Shipyard, Inc.

The Defendant,

A.I. MARINE ADJUSTERS, INC.,
By its Attorneys,



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CERTIFICATE OF Rule 7.1 CONFERENCE AND OF SERVICE

I, Robert M. Elmer, hereby certify that, prior to filing the within motion, I conferred with counsel for the plaintiffs concerning said motion in an attempt to resolve or narrow the issue. I further certify that on this 3 day of August, 2004, I served a copy of the above motion by mailing same, postage prepaid to all counsel of record.


Robert M. Elmer